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SEP 21 2004

OFFICE OF PETITIONS

In re Application of :
Brian Boyle :
Application No. 10/812,844 : ON PETITION
Filed: March 30, 2004 :
Attorney Docket No.: 1-24766 :

This is a decision on the petition filed August 16, 2004, requesting in effect, that a Notice to File Missing Parts in a Nonprovisional Application ("Notice") mailed June 16, 2004, be withdrawn.

The application was filed on March 30, 2004. However, on June 14, 2004, the Office of Initial Patent Examination (OIPE) mailed a Notice stating that the application had been accorded a filing date of March 30, 2004 but figure 16 as described in the specification appeared to have been omitted.

In response, the present petition was filed wherein Petitioner contends figure 16 as described in the specification were filed on March 30, 2004. In support, petitioner has provided a copy of page 7 of the drawings which contains figure 16.

On September 10, 2004 OIPE mailed a Notice withdrawing the Notice to File Missing Parts which was mailed on June 14, 2004.

Accordingly, the Petition is dismissed as moot. The \$130.00 petition fee has been refunded.

Since figure 16 as described in the specification have been located in the File and the Notice of Missing Parts has been withdrawn the application retains the filing date of March 30, 2004.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of March 30, 2004, using 9 sheets of drawings including figure 16 as submitted with the original disclosure on March 30, 2004.

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Telephone inquiries related to this decision may be directed to the undersigned at (703) 306-0251.

A handwritten signature in cursive script, appearing to read "Charlema R. Grant".

Charlema R. Grant
Petition Attorney
Office of Petitions